

AMENDED IN SENATE APRIL 21, 2003

**SENATE BILL**

**No. 254**

**Introduced by Senator Dunn**

February 18, 2003

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An act to amend ~~Sections 613 and 614 of the Code of Civil Procedure,~~  
~~and to amend~~ Section 69922 of the Government Code, relating to trial  
courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 254, as amended, Dunn. Trial courts: court attendants.

Existing law requires a sheriff to attend a noncriminal, nondelinquency action in superior court if the judge or his or her designee ~~determines~~ *determines* that attendance is necessary for public safety. Otherwise, the court may use court attendants, as defined, in courtrooms hearing those noncriminal, nondelinquency actions. Existing law also authorizes court attendants to take charge of a jury during its deliberations.

This bill would ~~eliminate the authorization to use court attendants in courtrooms hearing those noncriminal, nondelinquency actions and would make technical and clarifying changes~~ *limit the use of court attendants to only those superior courts that employed court attendants on or before December 31, 2002, and then only at or below those staffing levels and only for administrative duties in certain civil cases, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 613 of the Code of Civil Procedure is~~  
2     ~~amended to read:~~

3     ~~613. When the case is finally submitted to the jury, the~~  
4     ~~members of the jury may decide in court or retire for deliberation.~~  
5     ~~If they retire, they shall be kept together, in some convenient place,~~  
6     ~~under charge of an officer or court attendant, until at least~~  
7     ~~three-fourths of them agree upon a verdict or are discharged by the~~  
8     ~~court. Unless by order of the court, the officer or court attendant~~  
9     ~~having them under his or her charge may not permit any~~  
10    ~~communication to be made to them, or make any himself or~~  
11    ~~herself, except to ask them if they or three-fourths of them have~~  
12    ~~agreed upon a verdict, and he or she may not, before their verdict~~  
13    ~~is rendered, communicate to any person the state of their~~  
14    ~~deliberations, or the verdict agreed upon.~~

15    ~~SEC. 2. Section 614 of the Code of Civil Procedure is~~  
16    ~~amended to read:~~

17    ~~614. After the members of the jury have retired for~~  
18    ~~deliberation, if there is a disagreement between them as to any part~~  
19    ~~of the testimony, or if they desire to be informed of any point of~~  
20    ~~law arising in the cause, they may require the officer or court~~  
21    ~~attendant to take them into court. Upon their being brought into~~  
22    ~~court, the information required shall be given in the presence of,~~  
23    ~~or after notice to, the parties or counsel.~~

24    ~~SEC. 3.~~

25    ~~SECTION 1. Section 69922 of the Government Code is~~  
26    ~~amended to read:~~

27    ~~69922. (a) Except as otherwise provided by law, whenever~~  
28    ~~required, the sheriff shall attend all superior court proceedings~~  
29    ~~held within his or her county. A sheriff shall attend a noncriminal,~~  
30    ~~nondelinquency action, however, only if the presiding judge or his~~  
31    ~~or her designee makes a determination that the attendance of the~~  
32    ~~sheriff at that action is necessary for reasons of public safety. The~~  
33    ~~court may use court attendants to take charge of a jury, as provided~~  
34    ~~in Sections 613 and 614 of the Code of Civil Procedure. The sheriff~~  
35    ~~shall obey all lawful orders and directions of all courts held~~  
36    ~~within his or her county.~~

1     ***(b) Only a superior court that employed court attendants on or***  
2     ***before December 31, 2002, may employ court attendants, and only***  
3     ***under the following conditions:***

4     ***(1) Staffing levels by court attendants may not exceed the***  
5     ***staffing levels that existed on or before December 31, 2002.***

6     ***(2) Court attendants shall be restricted to administrative***  
7     ***functions that are limited to civil cases, including taking charge of***  
8     ***civil juries that are not sequestered.***

9     ***(3) Court attendants may not perform weapons screening or***  
10    ***traffic court duties, or carry out any other law enforcement***  
11    ***functions whether for a civil or criminal court, and may have no***  
12    ***contact with criminal defendants or prisoners who are in custody.***

13    ***(4) Court attendants may not perform any functions in the***  
14    ***conduct of family law cases, including, but not limited to,***  
15    ***mediation proceedings, dependency hearings, and emergency***  
16    ***protective order proceedings.***

